

What is considered a violation of the terms of the program?

1. Failure to keep in contact with your caseworker
2. Testing positive for controlled substances or alcohol
3. Failure to show up for counseling, toxicology
4. New charges
5. Any form of non-compliance

How do I know when I have completed the program?

The obligations of each participant will be explained in a contract signed by the parties prior to his/her acceptance into the program. Once those requirements have been fulfilled, the court will conduct a hearing, make the appropriate findings and dismiss and/or seal the case.

What will happen if I am not interested in participation?

If you are deemed eligible for the Diversion Program but do not wish to participate, the case will be returned to the Attorney General's office for prosecution. Please be aware that once the case is returned to prosecution, you no longer will have the opportunity to participate in the program.

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Application forms can be found and downloaded from the RI Judiciary website: www.courts.ri.gov



RHODE ISLAND SUPERIOR COURT

DIVERSION PROGRAM

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What is the Superior Court Diversion Program?

The Superior Court Diversion Program is designed to offer an alternative to traditional conviction, sentencing and incarceration for persons charged with a non-violent felony offense by providing eligible defendants with a framework of supervision and services in lieu of incarceration and/or probation.

What are the benefits of participating in this program?

The program staff works with participants in securing the necessary counseling and educational opportunities that will assist them in making informed decisions; engaging in positive behavior; and reducing the risk of recidivism. Moreover, individuals who successfully complete the program requirements are eligible to have the pending felony offense dismissed and/or sealed.

What are the eligibility requirements?

An individual may be eligible if he/she stands charged in a District Court complaint, Superior Court indictment or a Superior Court information for a felony offense and is not otherwise disqualified.

What can disqualify me from participation?

1. A previous conviction or plea of nolo contendere to a disqualifying offense, as defined in 8-2-39.3 of Rhode Island General Laws.
2. A current charge of a disqualifying offense as defined in this section.
3. A prior conviction or plea of nolo contendere to two (2) or more felony offenses within the last five (5) years.
4. A lengthy juvenile record; or

5. A lengthy arrest record (in state or out-of-state), including those not resulting in any findings of guilt, depending on the reasons why convictions were not obtained.

How can I apply to the Diversion Program?

At any time after the arraignment of an eligible defendant, either in the District Court or Superior Court, a referral may be made to the program by completing the application found on the RI Judiciary website and sending it via email to **diversionreferrals@courts.ri.gov**. The referral may be made by a member of the Attorney General's Department, counsel for defendant or a sitting justice of the Superior or District court.

Once the diversion staff receives the application and confirms the individual's qualifications, an intake interview is scheduled for the defendant and/or counsel to determine eligibility.

Make sure you have provided your correct address and telephone number on the application so that the Diversion Program staff is able to contact you.

How will I know if I have been accepted into the program?

Once you have completed your interview, you will receive a letter indicating you need to appear for a scheduled hearing date to have the court determine eligibility. If you are deemed eligible and accepted into the Diversion Program, you will be assigned a Case Manager who will meet with you that day and review with you your obligations pursuant to your participation in the program. You will also be given a future date so that the court can monitor your compliance.

If you are deemed ineligible, you will receive a notification of this along with the reason(s) you were disqualified from participation.

What are the usual requirements of the program?

That decision is made by the court once you have been accepted into the program. It may range from substance abuse counseling*, gamblers anonymous treatment, mental health counseling*, community service (at a non-profit organization approved by the court), GED Program, English as a Second Language Program and victim restitution (if applicable). When you have completed a treatment and/or community service program, you must show proof of same to your Case Manager.

*****You will be responsible for payment to these agencies, therefore health insurance is critical.**

What is the length of the program?

The average amount of time that you will participate is six (6) months to (1) year.

What happens if I violate the conditions of the program?

You will be given an opportunity to be heard by your caseworker and the Court concerning the nature of the violation as well as any mitigating information. The Court will then make a decision concerning your continued participation in the program and whether any additional conditions need to be imposed. For extreme and repeated violations, you may be terminated from the program resulting in your case being returned to the Attorney General's office for prosecution.